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CMA No. 2311 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-08-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 2311 of 2025

1. K.Murugan

2.M.Selvi

3.M.Nandhini

Appellants

Vs

1. Blessing Worldwide Logistics (p) Ltd

2.The New India Assurance Co Ltd
No.232,New NO.6, N.S.C.Bose Road,
6th Floor, Bombay Mutual Building,
Chennai 1

Respondents

PRAYER

Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to allow this Civil Miscellaneous Appeal by enhancing the compensation awarded in the Judgement and Decree Dated 17.11.2023 passed in MCOP.No. 4080 of 2021 on the file of the Motor Accident Claims Tribunal, Chennai (In the V Court of small Causes, Chennai)



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For Appellants: Mr.K.Balaji

For Respondents: R1- Notice dispensed with
Ms. A. Salomi For R2

JUDGMENT

Challenging the impugned award passed by the tribunal in MCOP.No.4080 of 2021, the appellants/petitioners have preferred this Civil Miscellaneous Appeal seeking for enhancement of compensation.

2. The appellants are father, mother and sister of deceased Nandhakumar. The case of appellants is that on 10.01.2021 at about 00.15 hours, when the deceased was standing along with his two wheeler bearing Regn. No. TN-03 V-1944 at Ashok Nagar 100 ft. road, near Bharath Petrol bunk, at that time, the driver of van bearing Regn. No. TN-22-J-4728, proceedings in north to south direction drove it in a rash and negligent manner, dashed the deceased two wheeler and caused accident. Due to which, the deceased sustained grievous injuries, for which he underwent treatment in the hospital, but he died inspite of treatment. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation of Rs.49,00,000/-.



3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the driver of the 1st respondent. Having come to such a conclusion, the Tribunal fixed the total compensation payable at Rs.19,43,900/- under various heads as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Loss of dependency	18,14,400
2.	Loss of estate	16,500
3.	Funeral expenses	16,500
4.	Loss of love and affection	90,000
5.	Transportation expenses	6,500
	Total compensation awarded (by adding Sl. Nos. 1 to 5)	19,43,900

4. The above compensation was directed to be paid with interest at the rate of 7.5% per annum.

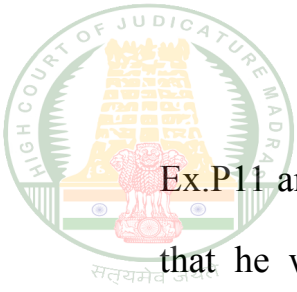


5. The learned counsel for appellants would argue that the deceased was aged about 21 years and studying Chartered Accountant course and completed intermediate also, at that time, he met with accident. The learned counsel for appellant would submit that by doing part time job, he had earned a sum of Rs.25,000/- per month, but without considering his qualification and without considering the fact that the accident was happened in the year 2021 as well as without considering his part time job, the tribunal had fixed the notional monthly income as Rs.12,000/-. Hence, they prayed for enhancement of compensation.

6. The learned counsel for 2nd respondent raised objections stating that the deceased was aged about 22 years and there is no proof produced on the side of appellants for the income derived by him as a Chartered Accountant. Hence, the Tribunal had rightly fixed the notional income as Rs.12,000/-, which needs no interference.

7. Heard rival submissions of both learned counsel for appellants and 2nd respondent and perused the materials available on record.

8. On seeing the facts, it reveals that the accident was happened in the year 2021 and he was studying Chartered Accountant course and completed intermediate, to that effect they have produced intermediate marked sheet under



Ex.P11 and the common proficiency test in CA marked as Ex.P10, which shows that he was undergoing Chartered Accountant. Moreover, though he was a Chartered Accountant course student at the time of accident, there is no income proof produced for doing part time job. Therefore, considering the fact that the accident happened in the year 2021 and also considering the cost of living at that time as well as considering educational qualification of deceased and considering his age of 21 years, this Court is inclined to enhance the notional income of the deceased Nandhakumar from Rs.12,000/- to Rs.23,000/- per month.

9. Furthermore, the Tribunal has granted only a sum of Rs.40,000/- under the head of 'Loss of love and affection', however, each of the claimant is entitled for a sum of Rs.40,000/- under this head. Accordingly, the total compensation under this head is fixed at Rs.1,20,000/- (Rs.40,000/- x 3). The compensation that has been fixed under the other heads are reasonable and does not require the interference of this Court.

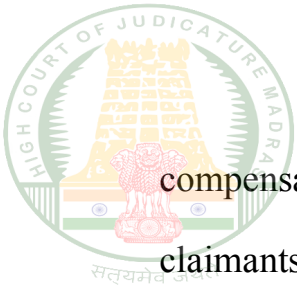
10. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:



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S.No	Compensation awarded under the head	Amount awarded by the tribunal (in Rs.)	Amount (in Rs.)	Award confirmed or granted or enhanced
1.	For loss of dependency Rs.23,000/- (add 40% future prospects) = 23000 + 9200 = 32200 32200 x 12 x 18 (multiplier) = 69,55,200 – 1/2 = 34,77,600	18,14,400	34,77,600	enhanced
2.	Loss of estate	16,500	16,500	confirmed
3.	Funeral expenses	16,500	16,500	confirmed
4.	Loss of love and affection (Rs.40000 x 3)	90,000	1,20,000	enhanced
5.	Transportation expenses	6,500	6,500	confirmed
	Total	19,43,900	36,37,100	enhanced

11. Accordingly, the compensation awarded by the tribunal at Rs.19,43,900/- is enhanced to Rs.36,37,100/-. The second respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of copy of this judgment. On such deposit of the enhanced compensation amount now determined by this Court, the appellants 1 to 3 are entitled to share the amount proportionately as ordered by the Tribunal and they are permitted to withdraw the enhanced award amount along with interest and costs, less the amount if any, already withdrawn. Insofar as the enhanced



compensation is concerned, the deficit court fee, if not paid, shall be paid by the claimants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. It goes without saying that the enhanced compensation that is paid by the Insurance Company can be recovered from the owner of the vehicle as was ordered by the Tribunal.

12. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

28-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, V Judge, Court of Small Causes, Chennai.

2. Section Officer, VR Section, Madras High Court.



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T.V.THAMILSELVI J.

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